IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4074 OF 2005

IN

SUIT NO. 1213 OF 2003

M/s. Khodiyar Enterprises .. Plaintiffs

Vs.

Prataprai Lallubhai Vasa & Ors. .. Defendants

Pankaj Shah for Plaintiffs.

Miss J.M. Sidhwe & Neeta

Mahato for Defendants.

CORAM: S.K. SHAH, J.

DATE : 20th July, 2006.

P.C.

Heard counsels on both sides. The Notice of Motion is for framing 2 issues and trying them as preliminary issues. I find that the issues pertain to limitation and the maintainability of the suit and therefore those issues are required to be framed. Learned counsels on both sides submit that no evidence is required to be led for trying these issues as preliminary issues. The Notice of Motion is made absolute in terms of prayer clause (a) for trying these two issues.

S.O., for 2 weeks.

(S. K. SHAH, J)